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6 IN THE UNITED STATES DISTRICT COURT
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8 FOR THE NORTHERN DISTRICT OF CALIFORNIA
9 SAN JOSE DIVISION
10 Donald Masters, No. C 07-03792 JW
11 Plaintiff,
12 v.
13 Boston Scientific Corp., et al.,
14 Defendants.

**THIRD REVISED FINAL PRETRIAL
CONFERENCE ORDER - BENCH TRIAL**

15 On April 7, 2009, the Court issued its Second Revised Final Pretrial Order to reschedule the
16 parties' bench trial in light of a scheduling conflict. (See Docket Item No. 86.) The Court gave the
17 parties June 18-19, 2009 as trial dates. At the time the Court issued its April Order, the Court's
18 calendar was completely full for the month of June. However, the Court's calendar has now opened
19 up, allowing the Court to advance this trial to one week in order to avoid it being continued once
20 more in light of a criminal case that is also set in the same time slot. Although the Court recognizes
21 that these changes in the schedule have caused some delay, the Court is now assured that advancing
22 the trial will remove it from scheduling conflicts and permit the case to move forward. Accordingly,
23 the Court orders the following changes to the parties' trial schedule:

- 24 (1) On or before **June 8, 2009**, the parties shall file their proposed findings of fact and
25 conclusions of law. On or before this date, the parties shall also file a chronology of
26 the events underlying this litigation. If possible, the parties shall submit a joint
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chronology. The parties may, however, file separate chronologies if they are unable to agree on the factual composition of the chronology.

(2) The parties shall adhere to the following trial schedule.

TRIAL SCHEDULE

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|-----------------------|-----------------------------------------------------------------|
| Sessions 1 - 4 | June 11-June 12, 2009; 9 a.m. - 12 p.m.; 1 p.m. - 4 p.m. |
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In the event that any party has a conflict with the new schedule, the parties shall meet and confer and file a Stipulation to select the following available dates: (1) June 9-10, 2009; or (2) June 10-11.

Dated: May 7, 2009

JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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5 **Dated: May 7, 2009**

6 **Richard W. Wieking, Clerk**

7 By: /s/ JW Chambers
8 Elizabeth Garcia
Courtroom Deputy